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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/912,009	01/08/2002	Bruce Huit	38, 146	6596

29569 7590 06/04/2003

JEFFREY FURR
253 N. MAIN STREET
JOHNSTOWN, OH 43031

EXAMINER

GIBSON, RANDY W

ART UNIT	PAPER NUMBER
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2841

DATE MAILED: 06/04/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/912,009

Applicant(s)

HUITT ET AL. 

Examiner

Randy W. Gibson

Art Unit

2841

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-32 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-32 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 July 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____ 6) ☐ Other: ____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-14 are rejected under 35 U.S.C. 102(e) as being anticipated by Breed et al (U.S. # 6,555,766 B2). See column 20, lines 1-10. Note that the filing date of the present subject matter would be at least the filing date of U.S. patent application 09/849,559, which is May 4, 2001.

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3. Claims 1-14 and 31 are rejected under 35 U.S.C. 102(b) as being anticipated by Häfner (U.S. # 5,205,368). See column 3, lines 40-59.

4. Claims 1-14 are rejected under 35 U.S.C. 102(b) as being anticipated by Eran et al (U.S. # 5,912,439). See column 7, lines 30-62.

5. Claims 1-14, 16, and 17-30 are rejected under 35 U.S.C. 102(b) as being anticipated by Griffen (U.S. #4,804,052) and "Field and Wave Electromagnetics". See column 2, lines 20-49 of Griffen. See also *MPEP* § 2131.01 concerning multiple reference anticipatory rejections under section 102.

Since microprocessors work at clock rates ranging from the kilohertz to the megahertz range, the digital weight signals of Griffen meet the broad limitation of "RF communications" (no mention is made of radio frequencies actually being used for wireless communication). The examiner also notes that a "wave guide" is a broad term which includes any type of electrical conductor, including multi-wire communications cables (like a microprocessor data bus); see pp. 370-371 of "Field and Wave Electromagnetics". Resistor 59 of Griffen is a temperature sensor.

6. Claims 1-14, 16, 17, 24-28 and 31 are rejected under 35 U.S.C. 102(b) as being anticipated by O'Dea (U.S. # 5,780,782) and "Field and Wave Electromagnetics". See also *MPEP* § 2131.01 concerning multiple reference anticipatory rejections under section 102.

Since microprocessors work at clock rates ranging from the kilohertz to the megahertz range, the digital signals of O'Dea meet the broad limitation of "RF communications" (no mention is made of radio frequencies actually being used for wireless communication). The examiner also notes that a "wave guide" is a broad term which includes any type of electrical conductor, including multi-wire communications

cables (like a microprocessor data bus) ; see pp. 370-371 of "Field and Wave Electromagnetics".

7. Claim 32 is rejected under 35 U.S.C. 102(b) as being anticipated by Schurr (U.S. # 5,878,376). Schurr discloses communicating with his scales at any arbitrary location on Earth using existing telephone networks; obviously this inherently includes using satellite systems since the existing telephone networks use them for international calls.

8. Claim 32 is rejected under 35 U.S.C. 102(b) as being anticipated by Noll et al (U.S. # 5,884,238). Noll et al discloses a telephone network with transmits weight information and instructions between scale controller 50 and a remote central computer. This inherently includes using satellite systems since the existing telephone networks use them.

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claims 1-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over O'Dea (U.S. # 5,780,782) in view of Eran et al (U.S. # 5,912,439). If "RF

communications" is interpreted to mean only "wireless" communications, O'Dea discloses the claimed invention except for the use of wireless communication between the master controller and the remote weight sensors. Eran et al expressly teach that a wireless communication network is the functional equivalent of a hardwired network in on-board vehicle weighing systems (Col. 7, lines 7-40) such as the one used by O'Dea. It would have been obvious to modify the system of O'Dea to use a wireless communication system instead of a hardwired system with removable plugs, as taught by Eran et al, to better facilitate O'Dea's stated goal of providing quick & easy trailer swapping. See *In re Sernaker*, 702 F.2d 989, 994-95, 217 USPQ 1, 5-6 (Fed. Cir. 1983); and, *MPEP* §§ 2143.01, 2144.06 & 2144.07.

As for the claim 15 limitation of the load cells being connected in a "daisy chain" configuration where data and power from a "downstream" load cell passes through the housing of an "upstream" load cell on its way to or from the master unit, the examiner takes official notice that linking electrical devices in a series configuration was known in the electrical arts, and would have been an obvious functional equivalent to a parallel configuration, absent any evidence that a daisy chain configuration provides any unexpected result. See *Ryco, Inc. v. Ag-Bag Corp.*, 857 F.2d 1418, 8 USPQ2d 1323 (Fed. Cir. 1988); *In re Zurko*, 258 F.3d 1379, 1385, 59 USPQ2d 1693, 1697 (Fed. Cir. 2001); and, *MPEP* §§ 2144.03 & 2144.07.

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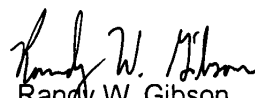
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Randy W. Gibson whose telephone number is (703) 308-1765. The examiner can normally be reached on Mon-Fri., 9-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David S Martin can be reached on (703) 308-3121. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 308-7722 for regular communications and (703) 308-7722 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-5115.

May 28, 2003


Randy W. Gibson
Primary Examiner
Art Unit 2841
